

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELIZABETH ANN PAKENAS, guardian  
of PATTI ROGERS, a legally incapacitated  
individual,

Plaintiff,

Case No. 05-60152

v.

Hon. John Corbett O'Meara  
Hon. Virginia Morgan

STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,

Defendant.

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**ORDER GRANTING DEFENDANT'S  
MOTION FOR JUDGMENT AS A MATTER OF LAW**

Before the court is Defendant's motion for judgment as a matter of law, which Defendant properly raised during trial at the close of Plaintiff's proofs and which the court took under advisement at that time. As set forth on the record on March 13, 2009, the court GRANTS Defendant's motion because no reasonable jury could find that Plaintiff set forth evidence of attendant care expenses incurred as a result of Plaintiff's 1976 automobile accident. Absent such evidence, Defendant does not owe Plaintiff attendant care benefits under the policy. Accordingly, the court will enter judgment in favor of Defendant.

**SO ORDERED.**

s/John Corbett O'Meara  
UNITED STATES DISTRICT JUDGE

Date: March 17, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 17, 2009, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager